

# **EXHIBIT B**

# Logan & Associates, LLC

ATTORNEYS AT LAW

One Corporate Commons  
100 W. Commons Blvd, Suite 300  
New Castle, DE 19720

302-325-3555  
302-325-3556  
vpetrone@loganicc.com

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BY: *erlmh*

VIA EMAIL AND FIRST CLASS MAIL  
May 27, 2008

John E. Shields, Jr.  
Harry R. Blackburn & Associates, P.C.  
1528 Walnut Street, 4<sup>th</sup> Floor  
Philadelphia, PA 19102

**Re: RLI Insurance Company v. Indian River School District et al.**

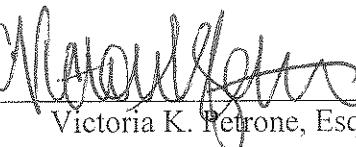
Dear John,

I am writing in response to your letter of May 21, 2008 and Notice of Deposition of Chris McCone. As you know, by its May 12, 2008 Order the Court denied RLI's Motion to Compel the deposition of McCone, noting that McCone was previously unavailable, but will now be available for trial. Deposition testimony can only be used at trial when the witness is unavailable. See, Fed.R.Civ.Pro. 32(a)(4), Salsman v. Witt, 466 F.2d 76, 79 (C.A.10 (Okla.) 1972) and G.E.J. Corp. v. Uranium Aire, Inc., 311 F.2d 749, 755 (C.A.9 (Ariz.) 1962). Since McCone's "trial" testimony would be inadmissible, the deposition would be nothing more than a discovery deposition which has already been disallowed by the Court.

In light of the Court's ruling, federal rules and caselaw, EDiS will not produce McCone for deposition.

Very truly yours,

LOGAN & ASSOCIATES, LLC

By:   
Victoria K. Petrone, Esquire

cc: (via email only)  
Perry F. Goldlust, Esquire  
G. Kevin Amadio, Esquire  
Paul Cottrell, Esquire  
Donald L. Logan, Esquire